

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:
EMANUEL GONZÁLEZ NIEVES
XXX- XX - 7138

CASE NO. 18 -07215-BKT12

Debtor

CHAPTER 12

**SECOND MOTION TO SUPPLEMENT AMENDED PLAN DATED JULY 1, 2019 ONLY
AS TO CLARIFY INCREASED FUNDS/TREATMENT TO UNSECURED CREDITORS**

TO THE HONORABLE COURT:

COMES NOW the Debtor, **EMANUEL GONZALEZ NIEVES** through the undersigned attorney and very respectfully set forth and pray:

1. On December 11, 2018, the Debtor **EMANUEL GONZALEZ NIEVES** filed a voluntary petition for relief under the provisions of 11 U.S.C. §1201 et. seq. numbered 18 – 07215-BKT12 and as of this date he has been managing his affairs and operating the Dairy Farm Business.
2. The Debtor operates a dairy farm under license as authorized by ORIL (Oficina Para la Reglamentación de la Industria Lechera) numbered 3468. The Debtor has total bi-weekly milk quota of 10,000 liters as authorized by the ORIL.
3. The Debtor submitted his Amended Plan dated July 1, 2019 on said dated (Docket No. 62). On the Confirmation Hearing held on August 21, 2019 the Debtor and secured creditor, informed the Court that a Stipulation for the Treatment of BPPR claim and that a “Supplement” with the contents of said Stipulation would be filed.
4. The Debtor reached an agreement with BPPR and filed a Stipulation on September 5, 2019 (Docket No. 74).

5. Said Stipulation was included in the “*Supplement to Amended Plan Dated July 1, 2019*” filed on September 10, 2019 at Docket No. 79.
6. Said “Supplement” filed at Docket No. 79 contains a clause that increases the payout to Unsecured Creditors from Liquidation Value of \$42,301.00 up to \$50,000.00 as per the increased base on the Plan. After discussing said terms with Chapter 12 Trustee, he informed that the base provides from additional amounts close to \$1,900.00. In order to provide for the increased payment to the Unsecured Creditors the Debtor Clarify/Amends that the Class 6: General Unsecured Creditors will be paid as follows:

General Unsecured Creditors — Class 6 — will receive distribution of the remaining funds received by the trustee under the plan, after payment of Classes 2, 3, 4 and 5, in an amount that will not be less than the present value of the liquidation value (\$42,301 + 4% annual interest), less statutory trustee fees.

7. The treatment mentioned above will be the new treatment for Class 6: General Unsecured Creditors which will increase the payment to Unsecured Creditor from 6% of their claims to 7.5%.
8. The Debtor requests that this Honorable Court and Parties in Interest take notice of this clarification and that the base and payments of the Amended Plan Dated July 1, 2019 as Supplemented on September 10, 2019 is not being modified but the Debtor is filing this additional “Supplement” in order to allow the Chapter 12 Trustee to disburse additional funds already available under the Plan to Unsecured Creditors.

WHEREFORE the Debtor herein requests that this Honorable Court takes notice of the filing of this Supplement and that the same is approved and made part of the Amended Plan Dated July 1, 2019 as Supplemented on September 10, 2019

RESPECTFULLY SUBMITTED.

In Mayaguez, Puerto Rico, this September 11, 2019

CERTIFICATE OF SERVICE

Notice of this MOTION has been electronically provided by the CM/ECF system to: the **US Trustee** for the District of Puerto Rico, Monsita Lecaroz Ariibas, Esq. at ustpreion21.hr.ecf@usdoj.go; the Chapter 12 Trustee, Jose R. Carrión at newecfmail@ch13-pr.com; State Insurance Fund, Alejandro Suarez, Esq. at Alejandro.Suarez@cfse.gov.pr; COOP A/C San Rafael, Jaime Rodríguez Esq. at jrpcourtdocuments@gmail.com; ORIL, Edward Hill Esq. at ehill@hillgonzalezlaw.com; FIDA, Grace M Figueroa Esq., gmarief@hotmail.com; BPPR – Special Loans, Dagmar I Fernández, Esq. at df-law@outlook.com; and to Creditors and Parties that are not C/M ECF Participants as per attached master address list.

/s/HOMEL MERCADO JUSTINIANO

USDC- PR – 229705

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